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July 16, 2021

**VIA ECF**

Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

Re: *TransPerfect Global, Inc. v. Lionbridge Technologies, Inc., et al.*,  
Case No. 1:19-cv-3283-DLC

Dear Judge Cote:

Defendants respectfully request authorization to file under seal Exhibits 61, 63–193, 196, 198, 201–204, 222–438, 444–449, 451–454, and 455–458 and file in redacted form Exhibits 197, 199–200, 205–221, and 439–443 attached to the Declaration of Aaron Marks in Support of Defendants’ Motion for Summary Judgment.

Exhibits 187–193, 196, 198, 202, 204, 222–296, 436–437, 444–449, and 451–454 are confidential email chains and documents, which extensively discuss: (1) Lionbridge’s confidential business and marketing strategy documents, including documents concerning current or potential customers, revenue, pricing information, and sales strategies; (2) H.I.G.’s confidential business strategy documents, including its methods for evaluating its investments; and (3) confidential communications and documents shared between Defendants and their advisors that reflect the information from (2) and (3). These exhibits were produced by Defendants and contain and reflect information designated Confidential or Highly Confidential by Defendants under the Court’s June 3, 2020 Order Regarding Confidential Discovery Material (ECF No. 78) (the “Confidentiality Order”). The public disclosure of these documents would cause Defendants financial harm that outweighs any presumption of public access.

This Court routinely permits the filing of such documents under seal. *Kewazinga Corp. v. Microsoft Corp.*, 2021 WL 1222122, at \*6 (S.D.N.Y. Mar. 31, 2021) (holding documents may be filed under seal when they include “confidential research and development information, marketing plans, revenue information, pricing information, and the like”); *Louis Vuitton Malletier S.A. v. Sunny Merchandise Corp.*, 97 F. Supp. 485, 511 (S.D.N.Y. 2015) (finding financial records for private or wholly-owned companies implicate “legitimate privacy interests” that weigh against disclosure); *GoSMiLE, Inc. v. Dr. Johnathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649–50

KIRKLAND & ELLIS LLP

Hon. Denise L. Cote

July 16, 2021

Page 2

(S.D.N.Y. 2011) (granting motion to seal “highly proprietary material concerning the defendants’ marketing strategies, product development, costs and budgeting”); *Encyclopedia Brown Prods., Ltd. v. Home Box Office, Inc.*, 26 F. Supp. 2d 606, 614 (S.D.N.Y. 1998) (finding business information “may provide valuable insights into a company’s current business practices” and granting motion to seal).

Exhibits 61, 63–186, 201, 203, 411–435, and 458 are documents that were produced in this case by TransPerfect and designated Confidential or Highly Confidential by TransPerfect under the Confidentiality Order. Exhibits 60 and 194 were produced by TransPerfect and were not designated under the Confidentiality Order, but Defendants request these Exhibits be filed under seal as they reflect information and descriptions of documents that TransPerfect has previously designated as Confidential or Highly Confidential.

Exhibits 297–410 and 455–457 are documents that were produced in this case by third parties in response to subpoenas and designated Confidential or Highly Confidential by those third parties under the Confidentiality Order.

Exhibits 205–221, and 440–443 are excerpts of deposition testimony from depositions of party and third party witnesses in this case, portions of which have been designated Confidential or Highly Confidential by Defendants, TransPerfect, or third parties under the Confidentiality Order. Defendants request these Exhibits be filed in redacted form pursuant to Rule 8(B) of Your Honor’s Individual Practices In Civil Cases.<sup>1</sup>

Exhibits 197, 199–200, and 438–439 are expert reports from experts disclosed by TransPerfect and Defendants in this case, portions or the entirety of which have been designated Confidential or Highly Confidential by Defendants and TransPerfect under the Confidentiality Order. Defendants request Exhibits 197, 199–200, and 439 be filed in redacted form pursuant to Rule 8(B) of Your Honor’s Individual Practices In Civil Cases.

In order to summarize the undisputed facts in support of its motion, Defendants must reference these documents. Pursuant to the Stipulation and Order Re: Summary Judgment Schedule (ECF No. 192), we have filed under seal Defendants’ Memorandum of Law in Support of Summary Judgment; Rule 56.1 Statement of Undisputed Material Facts in Support of Defendants’ Motion for Summary Judgment; Affidavits of John Fennelly Richard Tobin, and Aaron Tolson in Support of Defendants’ Motion for Summary Judgment; and Declaration of Aaron

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<sup>1</sup> Exhibit 211 contain excerpts of deposition testimony from an expert witness, which has not yet been designated under the Confidentiality Order as the deadline for designations has not yet passed. Pursuant to Section 17 of the Confidentiality Order, this Exhibit should be treated as Highly Confidential until such time.

KIRKLAND & ELLIS LLP

Hon. Denise L. Cote  
July 16, 2021  
Page 3

H. Marks in Support of Defendants' Motion for Summary Judgment. Pursuant to Your Honor's Individual Practices, we have enclosed full, unredacted versions of the Exhibits.

We thank the Court for its consideration of this request.

Respectfully submitted,

*/s/ Aaron Marks*

Aaron Marks, P.C.

cc: All Counsel of Record (via ECF)

*Granted.*  
*Denise Cote*  
*7/30/21*